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TESTIMONY IN OVERSIGHT HEARING ON

“Threats, Intimidation and Bullying by Federal Land Management Agencies”

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION

NATURAL RESOURCES COMMITTEE

U.S. HOUSE OF REPRESENTATIVES

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Chairman Bishop and Members of the Subcommittee.

I am Brenda Richards, and I am here today in my capacity as the Owyhee County Treasurer, representing Owyhee County, Idaho. I have served in this elected position for the past 8 ½ years. In addition to serving as the the Owyhee County Treasurer, my husband, Tony and I ranch in Owyhee County. My extensive experience in natural resource issues, along with my accounting background lend well to my position as treasurer in a county that largely depends on the ranching community for its economic backbone.

Owyhee County is Idaho's oldest county and was established and settled, as many places in the western United States were, around its natural resources. In our county those two draws were mining of gold and silver and grass for cattle and sheep grazing. The gold and silver are not nearly as abundant as they once were; the renewable natural resource of grass continues to help sustain the county. Owyhee County Idaho's oldest county and is the second largest county in the state of Idaho covering 7,639 square miles – or 4.9 million acres. Yet the population of approximately 11,000 in the entire county averages out to 1.2 people per square mile. Owyhee County is 77% public lands; 6% State land; leaving a mere 17% privately owned land. That 17% is the tax base of the entire county. Owyhee County does receive PILT (Payment in Lieu of Taxes) for the public lands in our county, but every year the county has to wait and see what will actually be allowed for that payment though we certainly feel this is the Federal Government's duty of paying the property tax owed to the county as those acres cannot be developed or taxed in any other way.

Of the 4.9 million acres in the county, approximately 191,700, or about 4%, are agriculture with just a bit over 4.5 million acres in rangeland, and of that approximately 3.7 million of those rangeland acres are federal lands. With the numbers just given, you can see that a very small amount of the land in our vast county serves as the private, taxable base, yet this privately owned tax base is largely dependent upon the federal lands for rangeland grazing accompanying their private lands through their BLM permits. In addition, the communities in this county are rural and small, and whatever decisions are made for the public lands have effects on those communities.

Over the past 20 years in this county there is one thing that has become very apparent. Threats, bullying, and intimidation do not always present themselves in obvious ways or methods, but that does not make them any less damaging, any less wrong, nor does it have any less impact. As a matter of fact, these quieter, "behind the scenes" forms of threatening, bullying or intimidating often have huge impacts and significant damages over a longer period of time. I would like to share with you a few examples of the Bureau of Land Management actions that can certainly be seen as threats and intimidation to Owyhee County and the residents that live here.

No matter that the tax base in the county may only be 17%, those tax payers and the county are responsible for providing services within the county, some are mandated by either federal or state laws, and some are elected county services. Many of those services, such as roads maintenance, law enforcement, safety matters, and search and rescue are provided to all – whether you live in the county, visiting the county's vast area, just passing through. With Owyhee County's close proximity of

being not much more than an hour away from the Treasure Valley with its larger urban population, there are many visitors each day that come across the Snake River to enjoy its vast expanses that surround our rural, and some very remote, communities. Owyhee County offers diverse recreational experiences both motorized to non-motorized, hunting, fishing, and sight -seeing, wilderness experiences, white water rafting at the right time of the year, and a host of other activities. Many of these activities are on the public lands, but much of it is either accessed by going through, around, or across the small amounts of private ground. Almost any BLM decision that is made has an effect in some fashion on the county's well-being and that of its rural communities due to the large amount of federal land around each of these communities. Often the costs of these decisions, both financially, and also to the health of the natural resource are not fully vetted, leaving that expense on the local tax payer's budget.

One such decision we have recently been dealing with in Owyhee County in the Gateway West transmission line. The county residents, and those of us serving as their elected officials have attended hundreds of hours of public meetings, written pages and pages of comments, and found ways we thought could be used to compromise to and solution. The player in this game that we have found to be playing by their own set of rules – and truly that is a form of bullying when you are aware you can get away with it –is the Bureau of Land Management. Early on in this process the lines were to come across the public land, leaving as much private ground as possible (remember the ratio of private acres to public in Owyhee County) alone as the necessary power lines were to be brought in. This was agreed to by the power company, the diverse interest groups attending these meetings such as conservation and recreational groups, the county elected officials, and the residents. After all this was agreed to over months and months of meetings – some of them even held in Ontario, Oregon that people attended – and all of them documented with minutes, the Washington BLM office, in one person's decision, negated all that time, money, and effort by putting it right across much of the limited private ground in our county. This is one example of costs to the county in attending and participating in the government's dog and pony shows of public meetings for months and months; resources and time spent to have maps made of the outcome of those meetings proposed routes; legal advice on the matter; time invested, only to have that thrown back in the face and put where they wanted it any way. This cost comes down to the county and the tax payers here in more than one way. The initial investments of time, money, and sincere participation in a process to come up with a viable solution with the other "players" in this process, most who do not even live in the county, but have conservation, recreational, or special interests in the area is the first cost; the second is the cost to the county and the land owners as their property is devalued due to huge transmission lines being placed across their land; and lastly, this cost goes out to those land owners who have not had the decision directly affect them, but will feel the indirect impact of tax increases as the same services are still required to be met within the county, but the tax base of some property has decreased leaving that hole to be filled by those properties whose value held to absorb the increase that will be required in the county tax levy rate. Does this not pose a direct threat to the county, through a process that surely can be viewed as intimidating?

Ranching has long played a role in Owyhee County and continues to do so today. Since the early 1990's, the challenges from the Bureau of Land Management and their decisions, or lack thereof have had significant impact on the county government and the residents within the county. These impacts have been financially, emotionally, and on the ground. Probably the longest running threat and intimidation within Owyhee County has been that that has come from the BLM neglecting to fulfill their obligations of renewing permits; neglecting to gather necessary information in a consistent, accurate, timely manner lined out in their own guides; not involving the permittees as is required by those same rules and regulations; and the results of all of this is the permittees and the county then end up in court battling on the same side as the BLM to defend their rights, permits, and livelihood. This is at the expense of the county and the permittee as the BLM has the Federal Government to cover their attorney costs and time, which means it costs all tax payers and those in our county twice.

Prior to 1997 the BLM failed to complete the permit renewal work that necessary to keep 10 year grazing permits current, and as stated before, public lands ranching is the backbone of this vast county that is 77% federal land. Grazing continued for over half the permits by annual authorizations since the permits had been allowed to expire by the BLM. The 1995 changes to the BLM grazing regulations required a valid grazing permit in lack of action by the agency have direct effects on the economic base and also on costs of litigation to challenge these decisions order to graze on public lands, so this immediately put the permittees out of compliance due to BLM lack of doing their job, and brought radical environmental groups to file suit. The lack of action by the agency had, and is still having direct effects on the economic base of the county and the land owners here as the costs of litigation to challenge these decisions continue to be paid. The threat to the economic viability of the county, and the threat to the land owner and permit owner cannot be ignored as this is the backbone of the county. Legal counsel and consulting to protect themselves and their interests can cost an individual hundreds of thousands of dollars, but the cost of losing that is even higher to them and the county, not to mention it is a property right. Costs to defend several of these cases already have come in, with \$100,000 for one allotment to reach a permit renewal; and two others at \$55,000 currently where they are not even half way through defending themselves to get to the end result of the permit being renewed.

As I have mentioned several times, the economic back bone of Owyhee County and the rural communities is largely dependent on the ranching industry and grazing on public lands. The beef industry in Owyhee County accounts for approximately 19,760,000 pounds of edible meat per year – which is enough to feed 300,000 people or the entire population of our county plus the population in the state capitol city of Boise. The total number of acres these ranches occupy is at just over 435,000, and the approximate assessed value for the county is \$28,815,299. Please realize this is the assessed value for county tax purposes, not what the land could be sold for if it was to be parceled out and developed, yet much of this private land is remote, and assures unfragmented habitat and water sources for many forms of wildlife. Many of these ranches are located in small, very rural communities throughout the county that have schools and smaller businesses depending on their success to keep those communities healthy and vibrant. Because of that, and because of the continued unpredictability and up and down relationship the county has had with the Bureau of Land

Management, the county developed a county land use plan in the early 1990's in an effort to address matters relating to state and federal lands and to help protect their interests and assure input in decisions. The plan is reviewed regularly and updated, with most recent update to this plan being 2009, and reviews are more regular.

The county also has a signed Coordination Agreement with the Bureau of Land Management that dates back more than 15 years. This agreement was also established to help assure the county – which in turn represents the residents – is included and involved in decisions the agency makes. As the largest land owner in Owyhee County, these decisions often have significant impacts or effects on or within the county, which in turn can also affect the economic stability and well-being of the county, and have effect on the livelihood of the residents. Over the years the Coordination Agreement has been in effect, the Owyhee County Commissioners spend a tremendous amount of time reminding the BLM of their obligation to coordinate; reinforced by the signed coordination agreement. In the past three years over 25 letters have been addressed to the BLM by the commissioners on matters and decisions that have direct effect on the county. Many of letters have been written when the BLM either intentionally, or due to lack of management's attention or new management, ignores the coordination process. The number of times this happens could certainly be seen, not only as a veiled threat to the county in that the BLM does not feel they have to comply, but it also comes across as a form of intimidation trying to get the county to back off of expecting them to follow the law and requirements of including them in decisions and planning processes.

Both of these have taken much time, resource and dedication by the elected officials, those participating in the public meetings to develop these and then keep them updated and reviewed, and the different groups, agencies, and others that use these in their decision making process within Owyhee County. The one agency that has given the county the most problem with these aspects is again, the BLM.

Everyone on of these examples given have either direct or indirect impact to the county financially. The cost to our county residents on grazing decisions is astronomical, and the county has often weighed in over the years with their own financial contribution to the litigation because it is a vital component of the economic stability within the county. The economic stability of the county is first and foremost in my mind and duty as county treasurer, as it is with the commissioners. The costs to both the individuals and the county have effects on those communities as to dollars that could be spent in schools, business, or other areas having to go to threats and litigation caused by BLM decisions or lack thereof. The permit renewal process continues here in the county under a court ordered mandate now. That mandate came down in 2008, yet the BLM did not start on the 125 out of 150 permits included in that order until 2012 and the deadline is December 31, 2013. If that deadline is not met, the court stated the BLM will be held in contempt. Even though the process was not started in a timely matter, the ones paying the ultimate price, both financially and in emotional duress are the tax payers. The documents the BLM is putting out to be reviewed and commented on, and ultimately end up having to be challenged are over 500 pages long, and some of them are over 1,000. If that is not intimidating to a common person, I do not know what is. Yet, the county and our land owners will not take it lying down. We will stand up to intimidation and threats and bullying because we believe in our property rights, in doing what is right, and have hope that justice for what is right will prevail. The cost

to the county in tax dollars, time, and stress in substantial, but the people of Owyhee County prove to be resourceful, resilient, and show the American grit that settled the west in the first place and continues to capture the trust and wonder of many people not only in the United States but across the world. We only hope that by presenting some of these aspects we have had to fight for years to continue to remain viable, productive and responsible citizens in our county that we love, that the very laws and federal agencies threatening our existence may be changed to protect those rights and to not allow things to be done in bullying or threatening or intimidating ways, but in ways that you can hold your head up and be proud and successful in supporting.

Thank you for the opportunity to share this testimony with your subcommittee, and I would stand for any questions.